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TO: Commissioner of Patents

FAX NO.: 571-273-8300

FROM: Kin-Wah Tong, Esq.

DATE: December 29, 2008

MATTER: Serial No. 10/768,563 Filed: January 30, 2004

DOCKET NO.: YOR920040007US1

APPLICANT: Das, et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:


☒ Response to Office Action
☐ Disclosure Statement & PTO-1449
☐ Priority Document
☐ Response to Office Action
☐ Credit Card Payment Form (PTO-2038)

☒ Transmittal Letter (2 copies)
☐ Fee Transmittal (2 copies)
☐ Terminal Disclaimer
☒ Facsimile Transmission Certificate
dated December 29, 2008

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PTO/SB/21 (09-04)

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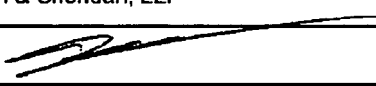
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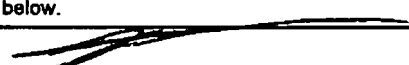
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/768,563
	Filing Date	January 30, 2004
	First Named Inventor	Das, et al.
	Art Unit	2195
	Examiner Name	Kenneth Tang
Total Number of Pages in This Submission	Attorney Docket Number	YOR920040007US1

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<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Transmission
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Patterson & Sheridan, LLP		
Signature			
Printed Name	Kin-Wah Tong, Esq.		
Date	December 29, 2008	Reg. No.	39,400

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Typed or printed name	Kin-Wah Tong, Esq.	Date	December 29, 2008

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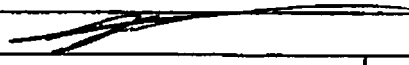
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Firm	Patterson & Sheridan, LLP		
Signature			
Printed Name	Kin-Wah Tong, Esq.		
Date	December 29, 2008	Reg. No.	39,400

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Typed or printed name	Kin-Wah Tong, Esq.	Date	December 29, 2008

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Atty. Dkt. No. YOR920040007US1**DEC 29 2008****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

DAS, et al

Serial No.: 10/768,563

Filed: January 30, 2004

For: **METHOD AND APPARATUS FOR
UTILITY-BASED DYNAMIC
RESOURCE ALLOCATION IN A
DISTRIBUTED COMPUTER
SYSTEM**§
§
§
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Group Art Unit: 2195

Examiner: Kenneth Tang

Confirmation No.: 6337

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December 29, 2008
Date


Kin-Wah Tong

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO OFFICE ACTION DATED SEPTEMBER 29, 2008

In response to the Office Action dated September 29, 2008, please enter this response and reconsider the claims pending in the application for reasons discussed below. Although Applicants believe that no fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/IBMY/920040007 for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.